

REMARKS

Claims 1, 3-6, 8-16 and 18-24 remain in the application. Reconsideration of the application and allowance of all claims are respectfully requested in view of the above amendments and the following remarks.

In the Advisory Action mailed March 30, 2007, the examiner took the position that the phrase “where not already present” allowed him to read the claims on prior art where the reassembly indicator was already present and no adaptation is ever performed. Such a rationale for maintaining the rejections is incorrect, for at least the following reasons.

First, the phrase “where not already present” does not occur in claims 5 and 16, and the examiner has no art which teaches the incorporation of the reassembly indicator into the control data contained within the traffic streams without increasing the amount of control data already present in said traffic streams, as is required in both of those claims and, of necessity, their dependent claims.

Second, claim 1 does not recite the step of inserting the indicator *if* such an indicator is not already present, but it instead states inserting *where* not already present. This is similar to the difference between saying that “I will pay you *if* you finish,” as opposed to “I will pay you *when* you finish.” One will possibly never happen, the other will inevitably happen. The claim requires the adaption to include a reassembly indicator. The circumstance of the adaption is “where not already present,” but the adaption does have to occur.

In any event, the claims have been amended to simply recite the modification as being done. The claim will therefore not read on a method where the modification will never happen, but will read on any method where the modification will ever happen.

Amendment Under 37 C.F.R. § 1.114(c)
USSN 09/778,764

Further examination is respectfully requested.

Respectfully submitted,

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